

**From:** LWillo1124@aol.com [mailto:LWillo1124@aol.com]  
**Sent:** Thursday, October 27, 2005 12:18 PM  
**To:** Melissa Miller-Henson  
**Cc:** jmilton@dfg.ca.gov; LWillo1124@aol.com  
**Subject:** P.G. Council Resolution for State Marine Reserve designation for PGMGFR 10/5/05  
Melissa:

Would you please share this with the MLPA CCRSG members. Thank you.

Lee Willoughby

**Tidepool Coalition** aka  
**COALITION TO PRESERVE and RESTORE PT. PINOS TIDEPOOLS**  
P.O. Box 433, Pacific Grove, California 9395  
Within these areas, no risk of change is considered acceptable unless it is part of a natural process\*

October 27, 2005

Dear Supporters of Local Marine Conservation

Re: Resolution by City Council 10/5/05 to support MLPA designation of the Pacific Grove Marine Gardens Fish Refuge as a State Marine Reserve.

As Chairman of the Tidepool Coalition, our organization wholeheartedly salutes you for letting your voice be heard on Agenda Item 6A at the October 5, 2005 Pacific Grove City Council meeting. Whether you were a council person or member of the public speaking on behalf of the Resolution, your action and your participation in support of a State Marine Reserve for our city's refuge is recognized and greatly appreciated. As you may know, the Coalition has been working toward this goal for seven years to fully protect the city's natural marine resources which are some of the most magnificent intertidal areas in the western hemisphere.

Again, well done and we applaud you.

Please let me give you a quick synopsis of what has occurred recently:

It is no secret that we have been at odds with the Department of Fish and Game's (DFG) Office of the General Council in Sacramento regarding the "interim policy" of reopening our refuge in May, 2003 to permit collecting for public displays under the banner of "scientific purposes." This unilateral action by the DFG followed the successful 6/2000 Pacific Grove Tidepool Initiative which prohibited all, but minimal scientific collecting to determine the health of the resource. The DFG's action is in violation of local law and furthermore, compromises the integrity of our city's refuge.

It has now become "push comes to shove" issue, for the DFG would not provide us with permit collecting records in a timely manner that are due to us under the Public Records Act. Our attorney was within hours of bringing a lawsuit to obtain this information. At the last moment, DFG relented and provided us the names of those persons they have granted amended permits to collect in our refuge including portions of Pt. Pinos. Rest assured, even if the DFG at the present time will not enforce local law, our police department will.

Keep in mind, every scientific collecting permit issued in the State has conditions which are mandatory for all Scientific Collecting Permit Holders including the following: (E) This permit does not relieve the permittee of the responsibility to obtain any other permits, or comply with any other Federal, State or local laws or regulations.

If any permit collectors are observed with their white buckets or ice chests collecting in our refuge, they will be cited, go before the magistrate to explain their actions, and possibly pay a fine.

In numerous correspondence from the DFG, the Coalition has been told "the authority for our Refuge rests with the Fish and Game Commission." However, we understand the Commission never weighed in on the reopening of our refuge to scientific permit collecting in May, 2003, nor did the Commission authorize the subsequent

amendments to the collecting permits. Apparently it was never an agenda item with the Commission, there were no public hearings, no public discussions, no environmental impact report (EIR), and no formal writing between the DFG and Commission regarding the Pacific Grove Marine Gardens Fish Refuge. Furthermore, the DFG's unilateral action is in violation of DFG Code 1002 (h) and Pacific Grove municipal code 00-12.

Although the MLPA process is supposed to be transparent and include the public in the decision making process, the MLPA Selection Committee apparently purposely excluded the largest local public stakeholder in the Monterey Bay area, the Tidepool Coalition, from serving on the second Central Coast Regional Stakeholders Committee, although we were included in the first Stakeholders Group which was discontinued due to lack of funds. At this juncture, the DFG and MLPA selection committee have made no comments on the exclusion, although we posed the question.

Stay tuned. There is going to be a lot more to come.

Jim Willoughby  
Chairman

Cc: Participants and all interested parties

\*Pacific Grove Local Coastal Parks Plan